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1 Stephen C. Ferlmann (SBN: 214881)
2 Chapter 7 Trustee
3 P.O. BOX 579375
4 MODESTO, CA 95357-9375
5 Tel: (209) 236-1311
6 Fax: (209) 236-1811

7 TRUSTEE

8 IN THE UNITED STATES BANKRUPTCY COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 (Sacramento Division)

11 In Re:

12 RONALD D. POIER
13 MARY R. POIER

14 1627 Christina Drive
15 Stockton, CA 95204

16 SSN: xxx-xx-9927; xxx-xx-8695

17 Debtors.

Case No: 09-42765-A-7

Chapter 7 Case

DC No. SCF -4

Date: August 23, 2010

Time: 9:00 a.m.

Place: 501 I Street, 7th Floor, Courtroom 28
Sacramento, CA

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19 **MOTION FOR AUTHORITY TO SELL PERSONAL PROPERTY VIA AUCTION**

20 TO: The Honorable Michael S. McManus, U.S. Bankruptcy Judge:

21 The Chapter 7 Trustee, Stephen C. Ferlmann, pursuant to 11 U.S.C. §363(b)(1) and
22 Federal Rules of Bankruptcy Procedure 6004, respectfully motions for authority to sell the
23 Debtors' interest in a 2006 Ford Econoline E 150 Van (the "Vehicle") owned free and clear by
24 the Debtors. In support hereof, the Trustee respectfully represents:

- 25 1. This Court has jurisdiction of this matter under 28 U.S.C § 1334 and 157(a).
- 26 2. On October 21, 2009 the Debtors' filed a voluntary petition under Chapter 7 of
27 the Bankruptcy Code, in the above entitled court; Stephen C. Ferlmann is the duly appointed
28 Trustee in the case.

1 3. Among the assets of the bankruptcy estate is the Debtors' interest in a 2006 Ford
2 Econoline E 150 Van (the "Vehicle") owned free and clear by the Debtors.

3 4. The Debtors' value the Vehicle at \$9,500.00 of which they claim an exemption
4 pursuant to California Code of Civil Procedure §§ 703.140(b)(5)&(6) of \$2,225.00. There
5 appears to be non-exempt equity in the Vehicle.

6 5. In order to liquidate the Vehicle for the benefit of creditors, it will be necessary to
7 sell the property. On May 24, 2010, the Court entered an order located at Docket # 43 approving
8 the Trustee's Application to Employ Roger Ernst to serve as auctioneer to sell the Vehicle.

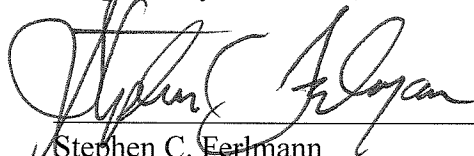
9 6. 11 U.S.C. § 363(b)(1) authorizes a trustee, after notice and hearing, to sell
10 property of the estate other than in the ordinary course of business.

11 7. The Trustee believes that the sale of the non-exempt equity in the Vehicle is in the
12 best interests of the estate.

13 WHEREFORE, Stephen C. Ferlmann, Trustee herein, respectfully requests that the Court
14 enter an order authorizing the Trustee and Auctioneer to sell the Vehicle via public auction
15 conducted by the Court appointed auctioneer, Roger Ernst & Associates, Inc., and for such other
16 and further relief as the Court deems just and proper.

17 Dated: 7/20/10

Respectfully Submitted,

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20 Stephen C. Ferlmann
Chapter 7 Bankruptcy Trustee